IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 17459 of 2004

Between:

M. Ramdas S/o. Late Chandya Dhargya, 26 years,
R/o Barlagudem village, Kamepalli Mandal, Post Ponnekal, Khammam District.

..... PETITIONER

AND

1 The Divisional Railway Manager, South Central Railway, Sanchalan Bhavan, Secunderabad.
2 The Chief Vigilance Officer, South Central Railway, Rail Nilayam, Secunderabad.
3 M. Eru, S/o Not known, R/o Barlagudem village, Kamepalli Mandal, Post Ponnekal, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ in the nature of Writ of Mandamus or any other appropriate writ or writs, order or Direction, declaring the action of the Respondents No.1 & 2 in not considering the representations Dt. 21.7.2004 and 5.8.2004 of the petitioner, for appointment on compassionate grounds, as illegal and arbitrary by directing the Respondents No.1 & 2 to forthwith remove the third respondent from the services of South Central Railway and appoint the petitioner on compassionate grounds, as per the application Dated: 2. 12. 2000 made by the mother of the petitioner.

Counsel for the Petitioner: MR.K.RAGHUVEER REDDY

Counsel for the Respondents 1 and 2: MR.Gowrishankar Sanghi. Standing Counsel for Railways

Counsel for the Respondent No.3: None appeared.

The Court made the following :

ORDER:

The petitioner is the son of Sri Chandya Dhargya, a Gangman in the respondent organization. The said Dhargya died in harness on 21.11.2000. Thereafter the petitioner's mother made an application on 02.12.2000 for appointment of the petitioner on compassionate grounds. The respondent board through a communication, dated 04.12.1998 informed that the petitioner did not possess 8th Class qualification required to be passed for group-D post. The petitioner submits that subsequently he completed his 8th class and his mother also died, he was approaching the respondents 1 and 2 and the authorities were informing him that the matter is under consideration. Subsequently, he came to know that the third respondent was appointed on compassionate grounds on account of the death of his father. The petitioner submits that he made a complaint to the respondents 1 and 2 mentioning that the third respondent is not the son of his deceased father and he has impersonated himself to be the son of his father and obtained the appointment fraudulently. The petitioner subsequently made several representations and the last representations dated 21.07.2004 and 05.08.2004, but the respondents 1 and 2 have not passed any orders on those representations. The petitioner therefore approached this court seeking to declare the action of the respondents 1 and 2 in not considering the representations of the petitioner dated 21.07.2004 and 05.08.2004 for appointment on compassionate grounds as illegal and arbitrary and to further direct the respondents 1 and 2 to remove the third respondent from the service and appoint the petitioner in his place.

The main grievance of the petitioner is that the third respondent is not the son of the deceased employee. The truthfulness or otherwise may be ascertained by the respondents 1 and 2 by considering his representations.

Having regard to the above submissions made by the petitioner, the respondents 1 and 2 are directed to consider the representations of the petitioner dated 21.07.2004 and 05.08.2004 regarding his request for

compassionate appointment and his grievance against the third respondent and pass appropriate orders according to rules.

Accordingly, the writ petition is disposed of.

02.11.2004

MRKR

To

1 The Divisional Railway Manager, South Central Railway, Sanchalan Bhavan, Secunderabad.
2 The Chief Vigilance Officer, South Central Railway, Rail Nilayam, Secunderabad.
3. Two C.D. copies